

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN THE MATTER OF  
LYDIA IDANIS OTERO ENCARNACIÓN  
Debtor(s)

CASE NO: 23-00068 EAG

CHAPTER 13

MOTION FOR CONTINUANCE OF THE AUTOMATIC STAY IN CASE  
FILED AFTER PRIOR DISMISSAL WITHIN ONE YEAR OF FILING

TO THE HONORABLE COURT:

COMES NOW, debtor(s) through the undersigned attorney and to this Honorable Court respectfully states, alleges and prays as follows:

1. The Debtor notifies all Creditors and Parties in interest and hereby moves this Court, pursuant to §362 (c) (3) (B), for an order continuing the automatic stay provided under §362 (a) as to all creditors. In support of this motion, debtors state as follows:
2. On January 17, 2023 debtor filed a petition under chapter 13 of the Bankruptcy Code.
3. Debtor had previously filed a chapter 13, case number 20-02873 EAG. On July 22, 2020 debtor filed Voluntary Petition under the Chapter 13 of Bankruptcy Code. The case was dismissed without plan confirmation. On August 25, 2022 the case was dismissed.
4. Debtor informs that the reason for case dismissal was plan payment arrears and failure to provide a confirmable plan. Previous case proposes that debtor will refinance her property. However, debtor was unable to prove creditors that the property refinance is feasible.

Also, on June 3, 2022 mortgage creditor filed motion to dismiss (Docket No. 105). In the motion, mortgage creditor show his concerns regarding debtor's ability to refinance her home and to continue making regular payments. On August 25, 2022 this Honorable Court granted creditor's motion.

5. Debtor informs that under this new case, debtor proposes to make regular payments directly to

creditor and pay arrears through the plan. Also debtor proposes to provide a step up payment during month 12 of the plan. Debtor will find a new job to properly fund the plan. Also, debtor, in her plan challenges the value of collateral regarding her motor vehicle. With this action, debtor will have disposable income to pay her mortgage payment and pre-petition arrears.

6. The Debtor has special circumstances for his previous case dismissal and changes that will allow him to complete this new chapter 13 plan.
7. The petition on this case was filed in good faith. Debtor believes that he can pay the Chapter 13 plan submitted to this Honorable Court. Debtor also knows that this is her last opportunity to save her home and she will make mortgage payments on time. Debtor understands that she will be able to fully perform his duties and obligations required under a chapter 13 case and under the terms of the proposed plan.
8. Debtor's prior Chapter 13 case, dismissed on August 25, 2022, was her only previous case.
9. Debtor's prior Chapter 13 case was dismissed for reasons out of their control.

WHEREFORE, the Debtor requests that this Honorable Court continue the automatic stay under section 362(a) as to ALL CREDITORS for the duration of this Chapter 13 proceeding, or until such time as the stay is terminated under Section 362(c)(1) or (c)(2), or a motion for relief is granted under Section 362(d).

#### NOTICE

"PARTIES IN INTEREST ARE HEREBY GRANTED ELEVEN (11) DAYS FROM THE DATE OF THIS NOTICE AND REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE COURT WILL ENTER AN ORDER GRANTING THE MOTION UPON THE FILING OF A CERTIFICATE BY THE MOVANT THAT ADEQUATE NOTICE WAS GIVEN. SHOULD AN OPPOSITION BE TIMELY FILED, THE COURT WILL SCHEDULE THE MOTION FOR A HEARING AS A CONTESTED MATTER.

ABSENT GOOD CAUSE, UNTIMELY REJECTION SHALL BE DENIED.”

I HEREBY CERTIFY: That a copy of this motion has been served to the Chapter 13 trustee,  
through CM\ECF and to all creditors and parties in interest as per the Master Address List.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 17<sup>th</sup> day of January 2023.

*JAIME RODRÍGUEZ LAW OFFICE, PSC*  
Attorneys for Debtor  
Urb Rexville  
BB 21 calle 38  
Bayamón, PR 00957  
TEL: (787) 797-4174  
FAX: (787) 730-5454  
[bayamonlawoffice@yahoo.com](mailto:bayamonlawoffice@yahoo.com)

ELECTRONICALLY FILED  
/s/ Jaime Rodríguez-Pérez  
USDC-PR 221011

Label Matrix for local noticing  
0104-3  
Case 23-00068-13  
District of Puerto Rico  
Old San Juan  
Tue Jan 17 17:01:38 AST 2023

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

ACCEPTANCE NOW  
5501 HEADQUARTERS DR  
PLANO, TX 75024-6191

AT&T SERVICES  
PO BOX 192830  
SAN JUAN, PR 00919-2830

CLARO PR  
PO BOX 70367  
SAN JUAN, PR 00936-8367

(p)DEPARTAMENTO DE TRANSPORTACION Y OBRAS PUB  
P O BOX 41269  
SAN JUAN PR 00940-1269

ECMC  
PO BOX 16408  
SAINT PAUL, MN 55116-0408

EMPRESAS BERRIOS  
PO BOX 674  
CIDRA, PR 00739-0674

FEDERICO ROBLES COLLAZO  
2 ANASTASIO MENENDEZ  
SECTOR PABON  
MOROVIS, PR 00687-8501

LCDO CARLOS L. RAMIREZ VARGAS  
3228 CARR 351 MAYAGUEZ  
MAYAGUEZ, PR 00682-7818

(p)LUMA ENERGY  
REVENUE PROTECTION  
PO BOX 364267  
SAN JUAN PR 00936-4267

PENTAGON FCU  
PO BOX 1432  
ALEXANDRIA, VA 22313-1432

VEREDAS DEL MAR HOA  
6309 CONDOMINIO VEREDAS DEL MAR  
VEGA BAJA, PR 00693-6080

WANDA I FONTAN  
2 ANASTASIO MENENDEZ  
SECTOR PABON  
MOROVIS, PR 00687-8501

WANDA I FONTAN  
PARCELAS TORRECILLAS  
258 CALLE OTILIO MUNOZ  
MOROVIS, PR 00687-2435

JAIME RODRIGUEZ PEREZ  
JAIME RODRIGUEZ PEREZ  
URB REXVILLE  
BB 21 CALLE 38  
BAYAMON, PR 00957-4135

LYDIA IDANIS OTERO ENCARNACION  
VEREDAS DEL MAR  
APT 6-305  
VEGA BAJA, PR 00693-6079

MONSITA LECAROS ARRIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

DTOP  
PO BOX 41269  
MINILLAS STATION  
SAN JUAN, PR 00940

LUMA ENERGY  
PO BOX 363508  
SAN JUAN, PR 00936-3508

End of Label Matrix  
Mailable recipients 17  
Bypassed recipients 0  
Total 17